

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are stated below; that:

I verily believe that I am the original, first and sole (if only one name is listed below) of the invention: COMPRESSION BONE STAPLE AND APPLICATOR
(Continuation of Application No. 09/500,060, filed 02/08/00)
and that;

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above, that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application, in accordance with 37 CFR 1.56(a), and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows: NONE.

I appoint the following attorney/agent to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Charles C. Corbin, P.O. Box 873, HMDX, Hamilton, Bermuda 441-292-5037.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: DREW ALLEN

Inventor's Signature: [Signature] Date: 10/21/01

Citizenship: U.S.A.

Residence: 3970 Teale Ave., CA 95117

Post Office Address: 3970 Teale Ave., CA 95117

09985719 110601

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): DREW ALLEN

SERIAL NO.: to be accorded

FILED: to be accorded

TITLE: COMPRESSION BONE STAPLE AND APPLICATOR

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL
ENTITY STATUS (CFR 1.9(f) AND 1.27(b)) – INDEPENDENT INVENTOR**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the above-entitled invention, and described in:

☒ The specification filed herewith.

I have not assigned, granted, conveyed or licensed, and am under no obligation under contract or law to assign, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern that could not qualify as a small business concern under 37 CFR 1.9(d) or a non-profit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention as listed below:

☒ No such person, concern, or organization. ☐ Person, concern or organization listed below:

I acknowledge the duty to file, on this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: DREW ALLEN

Inventor's Signature: *Drew Allen* Date: 10/21/01

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As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below; that:

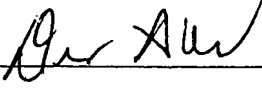
I verily believe that I am the original, first and sole inventor (if only one name is listed below) of the invention: COMPRESSION BONE STAPLE APPARATUS AND METHOD (Continuation-in-part of Application No. 09/299,285, filed April 26, 1999) and that;

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, that I have reviewed and undersigned the contents of the above-identified specification, including the claims, as amended by any amendment referred to above, that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application, in accordance with 37 CFR 1.56(a), and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows: NONE.

I appoint the following attorney to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Charles C. Corbin, 1306 South Parker Rd., Unit 375, Denver, CO 80231. (303) 752-2479.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: DREW ALLEN

Inventor's signature:  Date: 1/31/2000

Citizenship: U.S.A.

Residence: 3970 Teale Ave., San Jose, CA 95117

Post Office Address: 3970 Teale Ave., San Jose, CA 95117

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